

IN THE SUPREME COURT OF THE STATE OF ALASKA

HONORABLE MICHAEL J.
DUNLEAVY, in his official
capacity as Governor for the
State of Alaska,

Appellant,

v.

THE ALASKA LEGISLATIVE
COUNCIL, on behalf of THE
ALASKA STATE LEGISLATURE,

Appellee.

Supreme Court No.: S-18003

Trial Court Case No. 1JU-20-00938 CI

APPEAL FROM THE SUPERIOR COURT,
FIRST JUDICIAL DISTRICT AT JUNEAU,
THE HONORABLE PHILIP M. PALLEMBERG, JUDGE

**APPELLEE THE ALASKA LEGISLATIVE COUNCIL'S
EXCERPT OF RECORD
VOLUME 1 OF 1**

/s/ Megan A. Wallace
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der this article shall be a lien upon the property assessed and such lien shall be prior and paramount to all other liens and encumbrances, and may be foreclosed by an appropriate action in any court of competent jurisdiction. The owner of the property assessed shall be personally liable for the amount of taxes assessed against such property; and such taxes, together with penalties and interest, may be collected after the same has become due, in a personal action brought in the name of the school district against such owner in any court of competent jurisdiction. Provided: That the school boards in independent school districts in the levy and collection of taxes shall have all of the powers and duties given to the common council of municipal corporations and the laws relative to the levy and collection of taxes in municipal corporations are hereby extended to Independent School Districts.

Provided, further, that all property in said school district, not expressly exempt, shall be sub-

ject to taxation, and shall be valued and assessed at its actual value, except that the assessed value of unimproved, unpatented mining claims which are not producing, and non-producing patented mining claims upon which the improvements originally required for patent have become useless and valueless through depreciation, removal or otherwise, is hereby fixed at \$200.00 per each twenty acres or fraction thereof, except that if the surface ground of any such claim is used for other than mining purposes and has a separate and independent value as pertains to such non-mining uses, and improvements and personal property incidental to such uses shall be assessed at the actual value thereof.

Further provided: That all provisions in Sections 37-3-61 through 37-3-66 ACLA 1949 herein, requiring refunds of Territorial money to cities and incorporated school districts, and establishing procedures therefor, are hereby made applicable to Independent School Districts.

Approved March 22, 1955

CHAPTER 64

AN ACT

To provide procedural uniformity in the appointments of certain Territorial Administrative and Executive officers, and certain members

of Territorial boards, commissions, authorities, councils, and committees; prescribing an additional qualification for appointments; repealing prior inconsistent Acts; and declaring an emergency.

(H. B. 156)

**Be it Enacted by the Legislature
of the Territory of Alaska:**

Section 1. Declaration of intent. Whereas the Governor of Alaska, as an appointive Federal official, has had conferred on him by the Territorial Legislature certain powers of appointment, it is the intent and purpose of said Legislature, in the passage of this Act, to achieve procedural uniformity in the exercise of those and other appointive powers conferred by the Alaska Legislature, the elimination, insofar as possible, of recess or interim appointments except in the event of death, resignation, inability to act or other removal from office and the exercise, insofar as possible, of such appointive powers only at such times as the Legislature is in session duly assembled.

Section 2. Definitions. As used in this Act; (a) "confirmation" shall mean confirmation or approval by the Legislature or either House thereof, of any name submitted for appointment to any position or membership; and (b) "position or membership" shall mean any executive position, or membership on any Territorial board, commission, authority, council or committee which by law requires appointment by the Governor of Alaska or other appointing authority and confirma-

tion by the Legislature or of either House thereof.

Section 3. Professional Group Recommendations. The time limitations concerning the submission and re-submission of names as prescribed in Section 4, shall not be applicable to those appointments which by law require recommendations by professional groups.

Section 4. Procedure for All Appointments. Notwithstanding the provisions of any other law on appointments to any executive position or to membership on any Territorial board, commission, authority, council, or committee which by law are required to be made by the Governor of Alaska or other appointing authority subject to confirmation by the Legislature or either House thereof, all appointments shall, from and after the effective date of this Act, be made in the following manner:

(a) Within three calendar days following the passage and approval of this Act, the appointing authority shall present to the Legislature for confirmation the names of all persons:

(1) appointed to any "position or membership" which names have not heretofore been confirmed by the Legislature or

either House thereof:

(2) by him appointed subject to confirmation to fill any existing "position or membership" vacancy;

(3) to be appointed subject to confirmation to fill any "position or membership" the term of which shall expire on or before July 1, 1955.

(b) At every succeeding regular or special session of the Legislature the appointing authority shall, within five calendar days of the convening of the Legislature, present to the Legislature for confirmation the names of all persons:

(1) appointed to any "position or membership" which names have not theretofore been confirmed by the Legislature or either House thereof;

(2) by him appointed subject to confirmation to fill any existing "position or membership" vacancy;

(3) to be appointed subject to confirmation to fill any "position or membership" the term of which shall expire on or before July 1, following such session of the Legislature.

(c) Whenever appointments are presented to the Legislature for confirmation, the Legislature shall, in joint session assembled, act thereon within three days following receipt of the names so presented, by confirming or declining to confirm by a majority vote of

all of the members thereof the appointments so made and presented;

(d) Whenever the Legislature shall decline to confirm any or all appointments so made and presented to it for confirmation, the Legislature shall notify the appointing authority of its action and a vacancy in such "position or membership" shall thereupon exist which the appointing authority shall fill by making a new appointment, which new appointment shall be presented for confirmation to the Legislature within twenty calendar days following receipt by the appointing authority of the Legislature's notification aforesaid. If the name of any person has been submitted and has not been confirmed, the appointing authority shall not, upon re-submission of appointments as required by this Act, submit again the name of the person not confirmed for the same "position or membership" during that session of the Legislature; nor shall such person whose name has been refused or rejected for appointment by the Legislature be thereafter appointed to such "position or membership" during the interim between legislative sessions.

(e) Pending confirmation or rejection of appointment by the Legislature, persons so appointed shall exercise all of the functions, have all of the powers and be charged with all of the duties by law prescribed for such appointive "positions or memberships."

Section 5. **Appointee Shall be a**

Qualified Voter in Alaska. In addition to any other statutory qualifications, persons appointed to any Board or Commission of the Territorial Government, shall have the qualifications necessary to vote in Alaska.

Section 6. Inconsistent Laws Repealed. All laws or parts of laws in conflict with the provisions of

this Act are hereby repealed to the extent of such conflict.

Section 7. Emergency. An emergency is hereby declared and this Act shall take effect and be in force from and after its passage and approval, or upon its becoming law without such approval, and it is so enacted.

CHAPTER 65

AN ACT

Pertaining to the regulation of private employment agencies, Chapter 94, Session Laws of Alaska 1953, and prescribing penalties.

(S. B. 89)

Be it Enacted by the Legislature of the Territory of Alaska:

Section 1. Chapter 94 Session Laws of Alaska 1953 is hereby amended by adding a new section to read as follows:

Sec. 6. Any person who wil-

fully violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, be subject to a fine of not more than \$1,000 or to imprisonment for not more than six months, or both.

Approved March 23, 1955

CHAPTER 66

AN ACT

To establish an office of Fire Marshal within the Department of Terri-

LAWS OF ALASKA, 1964

CHAPTER 1

AN ACT

Relating to the confirmation of appointments by the legislature; and providing for an effective date.

(H.B. 255)

Be it enacted by the Legislature of the State of Alaska:

Sec. 3. AS 39.05.080(3) is amended to read:

Section 1. AS 39.05.080(1) is amended to read:

(1) The appointing authority shall, within 14 calendar days of the convening of the legislature in regular or special session, present to the legislature for confirmation the names of all persons

(A) appointed to a position or membership which have not previously been confirmed by the legislature or either house of it;

(B) appointed by him subject to confirmation to fill an existing position or membership vacancy;

(C) to be appointed subject to confirmation to fill a position or membership the term of which shall expire before July 2, following the session of the legislature.

Sec. 2. AS 39.05.080(2) is amended to read:

(2) When appointments are presented to the legislature for confirmation, the legislature shall, before the end of the session in which the appointments are presented, in joint session assembled, act on the appointments by confirming or declining to confirm by a majority vote of all of the members the appointments presented.

(3) When the legislature declines to confirm an appointment, the legislature shall notify the appointing authority of its action and a vacancy in the position or membership exists which the appointing authority shall fill by making a new appointment. The new appointment shall be presented for confirmation to the legislature within 20 calendar days following receipt by the appointing authority of the legislature's notification of its refusal to confirm the prior appointment. If the name of a person is submitted and is not confirmed, the appointing authority may not, upon resubmission of appointments, submit again the name of the person whose confirmation was refused for the same position or membership during the session of the legislature at which confirmation was refused. The person whose name is refused for appointment by the legislature may not thereafter be appointed to the position or membership during the interim between legislative sessions. Failure of the legislature to act to confirm or decline to confirm an appointment during the session in which the appointment was presented is tantamount to a declination of confirmation on the day the session adjourns.

Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved February 6, 1964

CHAPTER 2

AN ACT

Relating to revising the Alaska Statutes to reflect corrective amendments by the revisor of statutes; and providing for an effective date.

(S.B. 180)

Exc. 0005